



AF/GAU 1634
#34
B. Penny
10/31/98

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christine L. Brakel, et al)
Serial No.: 08/479,999)
Filed: June 28, 1994)
Title: "Modified Nucleotide)
Compound")

Group Art Unit: 1634

Examiner: Ardin Marshel, Ph.D

Enzo Biochem, Inc.
527 Madison Avenue, 9th Floor
New York, New York 10022

September 30, 1998

FILED BY EXPRESS MAIL

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTICE OF APPEAL

Sir:

RECEIVED
TECH CENTER 1600/2900
98 OCT -5 PM 2:08

Applicants are filing concurrently herewith a Submission Under C.F.R. § 1.129(a) in the above-identified application requesting withdrawal of the Final Office Action dated March 31, 10/02/1998 SLN#S 00000162 051135 08479999 01 FC:219 1998 ~~551.00~~ the event that entry of this Submission is, for any reason, denied and the finality of the 02 FC:246 395.00 CH 03 FC:217 475.00 CH March 31, 1998 Office Action is maintained, then Applicants by their attorneys hereby appeal to

EXPRESS MAIL

"Express Mail" mailing label number: EL182319459US

Deposit Date: September 30, 1998

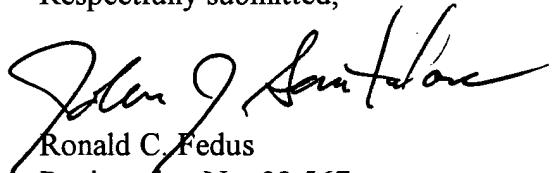
Applicants: Christine L. Brakel, et al
Serial No.: 08/479,999
Filed: June 28, 1994
Page 2 (Notice of Appeal)

the Board of Patents and Interferences from the decision of the Examiner in the Office Action dated March 31, 1998 finally rejecting claims 1 through 51 inclusive of this application.

Pursuant to a petition for an extension of time included as part of the Applicants' Submission Under C.F.R. § 1.129(a) filed concurrently with this Notice, the time for a response to the Office Action has been set for September 30, 1998 and this Notice is timely filed.

The assignee of the subject application has previously qualified for a small entity status. Pursuant to 37 C.F.R § 1.17(e), the official fee for a notice of appeal in an application to which a small-entity status applies is \$155.00. Authorization is hereby given to charge this fee to Applicant's Deposit Account No. 05-1135. If any other fees are deemed necessary in connection with this Notice, authorization is hereby given to charge their Amount to Deposit Account No. 05-1135, and to credit any overpayment thereto.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
John J. Santalone
Registration No. 32,794
Attorneys for Applicants

Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc
527 Madison Avenue, 9th Floor
New York, New York 10022
Tel: (212) 583-100-
Fax: (212) 583-0150
T:\US\ENZO\ENZ-B\APEALNOT.WPD